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Attorney for Defendant  
5 JAVIER ORTIZ

6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,  
9 Plaintiff,  
10 vs.  
11 JAVIER ORTIZ,  
12 Defendant.

Case No. 2:18-cr-00043-JAD-CWH

**STIPULATION TO CONTINUE  
SENTENCING**  
(Fourth Request)

14 IT IS HEREBY STIPULATED AND AGREED, by and between ROBERT KNIEF,  
15 Assistant United States Attorney, counsel for the United States of America, and JASON G.  
16 WEINER, ESQ., of the law firm of WEINER LAW GROUP, LLC., counsel for JAVIER  
17 ORTIZ, that the Sentencing and Disposition scheduled for December 3, 2018 at 10:00 a.m., be  
18 vacated and set to a date and time convenient to this Court, but no sooner than sixty (60) days.  
19

20 The Stipulation is entered into for the following reasons:

- 21 1. Counsel for the defendant needs additional time as we are awaiting additional  
22 information from law enforcement.
- 23 2. The defendant is not incarcerated and does not object to continuance.
- 24 3. The parties agree to the continuance.
- 25 4. The additional time requested herein is not sought for purposes of delay, but  
26 merely to allow counsel for defendant sufficient time within which to be able to  
27 effectively and complete investigation of the discovery materials to be provided.
- 28

1           5. Additionally, denial of this Request for continuance could result in a miscarriage  
2           of justice. The additional time requested by this Stipulation is excludable in  
3           computing the time within which the trial herein must commence pursuant to the  
4           Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A),  
5           considering the factors under Title 18, United States Code, Section  
6           3161(h)(7)(B)(I), (iv).

7           This is the third stipulation to continue filed herein.

8           DATED this 6<sup>th</sup> day of December, 2018.

10          WEINER LAW GROUP, LLC.

11          UNITED STATES ATTORNEY'S OFFICE

12          */s/Jason G. Weiner, Esq.*

13          By \_\_\_\_\_  
14          JASON G. WEINER, ESQ.  
15          Nevada State Bar No. 7555  
16          Attorney for the Defendant

17          */s/ Robert Krief*

18          By \_\_\_\_\_  
19          ROBERT KNIEF  
20          Assistant United States Attorney  
21          Attorney for the Plaintiff

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Attorney for Defendant

6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

Case No. 02:18-cr-00043-JAD-CWH

9 Plaintiff,

10 vs.

11 JAVIER ORTIZ,

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

12 Defendant.

13 **FINDINGS OF FACT**

14 Based on the pending Stipulation of counsel, and good cause appearing  
therefore, the Court finds that:

- 15 1. Counsel for the defendant needs additional time as we are awaiting  
additional information from law enforcement.
- 16 2. The defendant is not incarcerated and does not object to continuance.
- 17 3. The parties agree to the continuance.
- 18 4. The additional time requested herein is not sought for purposes of delay,  
but merely to allow counsel for defendant sufficient time within which to  
be able to effectively and complete investigation of the discovery  
materials to be provided.
- 19 5. Additionally, denial of this Request for continuance could result in a  
miscarriage of justice. The additional time requested by this Stipulation  
is excludable in computing the time within which the trial herein must  
commence pursuant to the Speedy Trial Act, Title 18, United States  
Code, Section 3161(h)(7)(A), considering the factors under Title 18,  
United States Code, Section 3161(h)(7)(B)(I), (iv).

1                           **CONCLUSIONS OF LAW**

2                           The ends of justice served by granting said continuance outweigh the best  
3                           interest of the public and the defendant in a speedy trial, since the failure to grant said  
4                           continuance would be likely to result in a misarrange of justice, would deny the parties  
5                           herein sufficient time and the opportunity within which to be able to effectively and  
6                           thoroughly prepare for trial, taking into account the exercise of due diligence.

7                           The continuance sought herein is excludable under the Speedy Trial Act, Title  
8                           18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors  
9                           under Title 18, United States Code, § 3161 (h)(7)(B)(I), (iv).

12                           **ORDER**

14                           IT IS THEREFORE ORDERED that the Sentencing and Disposition scheduled  
15                           for December 3, 2018 at 10:00 a.m. be vacated and continued to February 11, 2019, at  
16                           11:00 a.m.

17                           DATED this 6th day of December, 2018.

21                             
22                           

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23                           UNITED STATES DISTRICT JUDGE